

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §  
VS. § MAG. ACTION NO. C-10-1006-1  
GERARDO GARCIA §

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is a serious risk that the defendant will not appear; and

(2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant's background information has not been verified, and he has not produced a cash deposit, a co-surety, or a third party custodian, and the defendant was involved in holding a material witness against his will. This order of detention is entered without prejudice to the defendant's right to re-urge a bond after his background information has been verified

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending

appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 7th day of October, 2010.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE